

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**JOY HARVICK, individually and on
behalf of all others similarly
situated,**

Plaintiff

v.

ELON MUSK and AMERICA PAC,

Defendants

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Case No. 1:24-CV-01373-RP

ORDER

On November 11, 2024, Plaintiff filed her Complaint. Dkt. 1. To date, however, there is no indication that Plaintiff has served Defendant with the complaint and summons. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” FED. R. CIV. P. 4(m). More than 90 days have passed since Plaintiff filed her Complaint.

IT IS ORDERED that Plaintiff shall show cause in writing on or before **March 6, 2025**, as to why Plaintiff’s claims against Defendant should not be dismissed for failure to timely effectuate service. Failure to comply with the Court’s order by the deadline may result in the dismissal of this action. *See* FED. R. CIV. P. 41(b) (action may be dismissed for want of prosecution or failure to comply with court order); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (“A district court *sua sponte* may dismiss an action for failure to prosecute or comply with any court order.”).

SIGNED on February 20, 2025.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE